

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CHAMBER OF COMMERCE OF
THE UNITED STATES OF
AMERICA; FORT WORTH
CHAMBER OF COMMERCE;
LONGVIEW CHAMBER OF
COMMERCE; AMERICAN
BANKERS ASSOCIATION;
CONSUMER BANKERS
ASSOCIATION; and TEXAS
ASSOCIATION OF BUSINESS,

Plaintiffs,

v.

CONSUMER FINANCIAL PROTECTION
BUREAU; and ROHIT CHOPRA, in his
official capacity as Director of the Consumer
Financial Protection Bureau,

Defendants.

Case No. 4:24-CV-213

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs respectfully move the Court for a preliminary injunction enjoining the Consumer Financial Protection Bureau and Director Rohit Chopra from enforcing, applying, or implementing the March 5, 2024 final rule regarding Credit Card Penalty Fees. *See* Credit Card Penalty Fees (Regulation Z) (released Mar. 5, 2024), https://files.consumerfinance.gov/f/documents/cfpb_credit-card-penalty-fees_final-rule_2024-01.pdf. As set forth in the accompanying brief in support, Plaintiffs are likely to prevail on the merits; Plaintiffs and their members will suffer irreparable harm absent the requested injunctive relief; and the balance of equities and public interest considerations favor an order of preliminary injunction.

Further, expedited relief is necessary because the final rule is set to take effect sixty days after its publication such that credit card issuers must begin irreparably complying with its dictates within days.

WHEREFORE, for the reasons set forth in the accompanying brief, Plaintiffs respectfully request that the Court issue a preliminary injunction enjoining the Defendants from enforcing, applying, or implementing the final rule against Plaintiffs members anywhere within the Bureau's jurisdiction.

Dated: March 7, 2024

Respectfully submitted,

/s/ Michael Murray
Michael Murray
D.C. Bar No. 1001680
Application for pro hac vice forthcoming
michaelmurray@paulhastings.com
Tor Tarantola
D.C. Bar No. 1738602
Application for pro hac vice forthcoming
tortarantola@paulhastings.com
PAUL HASTINGS LLP
2050 M Street NW
Washington, DC 20036
(202) 551-1730

/s/ Derek Carson
Philip Vickers
Texas Bar No. 24051699
pvickers@canteyhanger.com
Derek Carson
Texas Bar No. 24085240
dcarson@canteyhanger.com
CANTEY HANGER LLP
600 West 6th Street, Suite 300
Fort Worth, TX 76102
(817) 877-2800

Attorneys for Plaintiffs

Thomas Pinder
D.C. Bar No. 451114
Application for pro hac vice forthcoming
tpinder@aba.com

Andrew Doersam
D.C. Bar No. 1779883
Application for pro hac vice forthcoming
adoersam@aba.com

AMERICAN BANKERS ASSOCIATION
1333 New Hampshire Ave. NW
Washington, DC 20036

Attorneys for Plaintiff American Bankers Association

Jennifer B. Dickey
D.C. Bar No. 1017247
Application for pro hac vice forthcoming
Jdickey@uschamber.com

Maria C. Monaghan
D.C. Bar No. 90002227
Application for pro hac vice forthcoming
mmonaghan@uschamber.com

U.S. CHAMBER LITIGATION CENTER
1615 H Street NW
Washington, DC 20062

Attorneys for Plaintiff Chamber of Commerce of the United States of America

CERTIFICATE OF CONFERENCE

I hereby certify that on March 7, 2024, the undersigned spoke by phone with George Padis, Deputy Civil Chief for the United States Attorney's Office, Northern District of Texas, regarding the relief requested in this motion. Mr. Padis advised me that he will route the request to the appropriate person to speak on behalf of the Consumer Financial Protection Bureau and that he or that person will provide the government's position. Plaintiffs will supplement this certificate of conference accordingly.

/s/ Derek Carson
Derek Carson

CERTIFICATE OF SERVICE

I certify that on March 7, 2024, counsel for Plaintiffs notified counsel for Defendants of the foregoing motion and will provide a courtesy copy upon filing, including an email copy to Mr. Padis.

/s/ Derek Carson
Derek Carson